

SECTION 29 GENERAL DEVELOPMENT STANDARDS

The following standards supplement the specific district regulations set forth in this zoning regulation.

29.1 Accessory Buildings. This section does not apply to accessory buildings on commercially zoned lots. Accessory units must be located on the same parcel as an existing dwelling unit and cannot be subdivided from the parcel on which they are located. With the exception of accessory apartments, accessory units can either be attached or detached to the primary unit.

29.1.A. Non-residential Accessory Buildings shall meet the following requirements

1. The non-residential accessory building shall be similar in appearance and character to the existing principle use building. If the accessory building is screened from view of roads and neighboring properties, planning staff may approve accessory buildings that are not similar in appearance and character to the existing principle use building.
2. If located on a parcel smaller than 10 acres, one non-residential accessory structure up to 800 square feet (in addition to 1,000 square feet of garage space) is permitted per lot. Additional structures and/or additional square footage may be approved through the CUP process.
3. If located on a parcel greater than 10 acres, one non-residential accessory structure up to 2,000 square feet (in addition to 1,000 square feet of garage space) is permitted per lot. Additional structures and/or additional square footage may be approved through the CUP process.

29.1.B. Residential Accessory buildings or units (accessory apartments, caretaker residences and guest houses) shall meet the following specific requirements:

a. Accessory apartments: An accessory apartment is an independent living facility added onto or created within a single-family dwelling unit.

1. Accessory apartments (attached or detached) are permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; RC-SF-1; RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100.

- b. Caretaker residence: A caretaker residence is an independent living facility for a caretaker of a single-family dwelling unit. The following requirements pertain to caretaker residences:
1. Caretaker residences are permitted in the following districts: RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100. They are conditionally permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; and RC-SF-1.
 2. Caretaker residences cannot be leased to the general public.
 3. The design of a caretaker residence shall be similar in appearance and character to the existing dwelling unit.
 4. A minimum of one on-site parking space shall be provided per caretaker residence.
 5. Only one caretaker residence per parcel is permitted. If located on a parcel smaller than 10 acres, a caretaker residence is limited to 800 square feet. If the parcel is over 10 acres, a 1,500-square-foot caretaker residence is permitted.
- c. Guest house. A guest house is a second living unit specifically intended for use by guests or family members. The following requirements pertain to guest houses:
1. Guest houses are permitted in the following zoning districts: RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100. They are conditionally permitted in the following zoning districts: R-SF-6,500; R-SF-7,500; R-SF-11,000; and RC-SF-1.
 2. A guest house cannot be leased to the general public.
 3. The design of a guest house shall be similar in appearance and character to the existing dwelling unit.
 4. A minimum of one on-site parking space shall be provided per guest house.
 5. There can be no more than one guest home per parcel. If located on a parcel smaller than 10 acres, a guest home is

limited to 800 square feet. If the parcel is over 10 acres, a 1,500-square-foot guest home is permitted.

(Amended: County Commission Resolution No. 2007-001).

29.2 Air Quality Protection Requirement. In order to protect the air quality of the District, emission protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the GC/BS Planning and Zoning District shall include the following emission standards in their covenants: all wood-burning devices shall meet EPA certification standards.

29.3 Animal-Proof Refuse Requirement. All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.

29.4 Bed and Breakfast Inns. All bed and breakfast inns shall be subject to the following regulations:

- a. The proprietor or operator shall reside in the bed and breakfast inn.
- b. Meals shall be prepared from a central kitchen facility and served only to guests.
- c. There shall be no alteration to the exterior of the structure which would detract from the residential character of the neighborhood. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
- d. One parking space per guest room shall be provided, in addition to the two parking spaces required for a single family dwelling unit. All parking shall meet the off-street parking requirements of Section 34.
- e. Additional standards in this regulation shall apply, including but not limited to stream setback, design and sign standards and landscaping.

29.5 Campgrounds: All campgrounds shall be subject to the following requirements:

- a. The area of a lot, parcel or tract of land to be used shall contain not less than two acres.

- b. No campsite shall be located within 50 feet of any boundary or property line of such lot, parcel, or tract of land, or within a distance of 100 feet from the edge of the right-of-way of any public road.
 - c. The density of campsites in a campground shall not exceed an average of 15 campsites per acre of the developed portion of the campground. The developed portion of the campground shall include campsites, service roads, management office, storage facilities, sanitary facilities and caretaker residence.
 - d. Each campsite shall have a minimum area of 1,800 square feet and shall include a parking space, outdoor grill/fire pit, picnic table and camping pad. The camping pad shall have no more than two-percent slope.
 - e. Campsites designated for recreational vehicle use must be provided with a hook-up for potable water and electricity.
 - f. Accessory uses within campgrounds may include a retail store for use by campground guests, and selling convenience foodstuffs, personal articles, minor camping supplies and souvenirs; an indoor laundry; free low-intensity recreational facilities such as table tennis and billiards and a television viewing and reading area.
 - g. The entrance road to the campground must lead directly to the registration facility. All campsites must be located beyond the registration facility and have access to internal campground roads. Campground roads shall be built to the standards for roads within subdivisions created by rent or lease in the Gallatin County Subdivision Regulations.
 - h. Special conditions, such as the provision of fencing or landscaping, or additional property line setbacks, may be required to safeguard the community interest and welfare.
- 29.6 Home Occupations: An occupation or profession which is incidental to and carried on in a dwelling or accessory building, or on the premises, by a member of the family residing within the dwelling, which is clearly secondary to the use of the property for residential purposes.

In general a home occupation is a use that is considered accessory to a dwelling unit, and conducted such that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations included in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood. It is the intent of this section to

eliminate as home occupations all uses except those that conform to the standards set forth in this section.

29.6.A The following standards apply to home occupations:

1. All home occupations shall be conducted entirely within the dwelling or accessory building except as listed below.
2. No home occupation shall occupy more than 1,000 square feet gross floor area unless a conditional use permit is obtained.
3. There shall be no display or evidence apparent from the exterior of the dwelling unit or accessory building that a home occupation is being conducted.
4. Employees shall be limited to residents of the dwelling unit and one additional employee.
5. The storage of any materials and/or solid waste associated with a home occupation shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer. The home occupation shall not generate waste beyond that which is normally associated with a residential use.
6. There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two additional vehicles to be parked at any one time on or near the premises.
7. Home occupations shall not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60 dBA between the hours of 7 a.m. and 9 p.m. No noise shall be created by the home occupation between the hours of 9 p.m. and 7 a.m. that is detectable to normal sensory perception at the property line.
8. Home occupations conducted on the premises but outside the dwelling or accessory buildings are limited to equestrian uses (the keeping, breeding and boarding of a reasonable number of horses), outfitting, cutting and storage of firewood and the boarding, breeding and raising of a reasonable number of pets, are only permitted on lots zoned RC-SF-2.5 and larger, and require a conditional use permit.

29.6.B Review Procedures for Home Occupations. Unless the home occupation requires a CUP, all property owners wishing to carry on a home occupation shall obtain written permission from the Zoning Enforcement Agent. Conducting a home occupation without approval of the Zoning Enforcement Agent shall be considered a violation of this regulation and be subject to the enforcement procedures contained herein. The following steps shall be followed:

1. The property owner shall request in writing a review of the proposed home occupation with an explanation of the home occupation addressing all of the standards listed above, and submit this request to the Zoning Enforcement Agent or their designee.
2. The LUP form shall be used, and the minor LUP fee shall apply (currently \$50).
3. The Zoning Enforcement Agent or designee shall respond in writing within 15 working days either approving, denying, or conditionally approving the request.
4. This procedure does not replace review by any other agency, and only reviews for compliance with this regulation

29.6.C Examples of uses:

1. Uses that typically qualify as home occupation standards are listed here (uses which may qualify as home occupations are not limited to those listed here, nor does inclusion in this list automatically qualify a use as a home occupation): accountant; architect; artist; attorney; author; consultant; dressmaking; individual musical instrument instruction; individual tutoring; insurance; millinery; and realtor.
2. Uses that typically do not qualify as home occupations are listed here (not all uses can be evaluated beforehand, and therefore some uses not included in this list may be denied approval; and inclusion in this list does not automatically preclude a use as a home occupation): auto repair; barbershop or beauty salon; carpentry work; contractor's offices, unless no construction activity or storage of materials and/or equipment occurs at the residence; dance instruction; dental offices; medical offices; painting of vehicles, trailers or boats; private schools with organized classes; upholstery.

(Amended: County Commission Resolution No. 2007-001 on January 2, 2007)

29.7 Lighting: All outdoor lighting fixtures shall be designed and constructed in such a manner to ensure that:

- a. Direct or reflected light is confined to the area needing it and that it is not directed off the property;
- b. All light sources are shielded;
- c. Any light sources or light lenses are not directly visible from beyond the boundary of the site;
- d. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- e. Lighting fixtures shall be a down-type having 100 percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. The exception to this requirement is holiday lights with no commercial message.
- g. Beacon lights are not permitted.

29.8 Satellite Dish Antennas. Within the GC/BS Planning and Zoning District, ground-mounted satellite dish antennas up to 12 feet in diameter may be permitted subject to the following criteria:

- a. All installations must comply with all accessory use, yard, height, bulk and setback requirements specified within the district.
- b. All installations shall be located to prevent obstruction of the antenna's reception window from potential allowable development on adjoining properties.
- c. All installations shall employ, to the extent possible, materials and colors that blend with the surroundings.
- d. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the

antenna and shall be installed within six months of antenna installation.

- e. This section shall not apply to utility service operation facilities.

29.9 Temporary Occupancy. The intent of this section is to provide for temporary occupancy during the construction of a permanent dwelling, not to prohibit temporary visitors who may stay in a recreational vehicle (in accordance with item b).

- a. Temporary Occupancy While Constructing Permanent Dwelling. Temporary occupancy of mobile homes, recreational vehicles and accessory buildings may be allowed with a temporary occupancy permit issued upon application to the Zoning Enforcement Agent. Such occupancy shall be limited to a period not to exceed one year where all the following conditions are met:

1. A land use permit for a permanent dwelling on the property has been issued.
2. The temporary dwelling does not violate any valid existing deed restrictions.
3. The temporary dwelling complies with all siting requirements outlined in the regulation.

- b. Recreational Structures. Within the GC/BS Zoning District, which is a recreation-oriented area, nothing contained in these regulations shall prohibit the use of temporary recreational dwellings such as motor homes, travel trailers, tents, and the like in designated recreational vehicle parks and campgrounds.

Recreational dwellings located within designated GC/BS Zoning District entryway corridors (Section 32.2) are subject to the following conditions:

1. That only one such structure shall be placed on any existing lot at one time.
2. That no such structure shall occupy any lot for a period longer than three consecutive weeks, except for storage purposes.
3. That any such structure must utilize a method of sewage disposal acceptable to the County Health Department.

- c. Temporary Dwelling for Mineral Extraction. Temporary dwellings for mineral extraction purposes may also be permitted by the

Zoning Enforcement Agent, provided the temporary dwelling is occupied solely for mineral extraction purposes.

- d. Health Department Approval. Temporary dwellings shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department regulations.
- e. Procedure. Requests for temporary occupancy permit extensions shall be considered by the Zoning Enforcement Agent within 30 days of receipt of a complete application.
- f. Extensions. The Zoning Enforcement Agent may approve an extension of special permits for up to one year, if all exterior work on the permanent dwelling has been completed. Only one extension may be granted.
- g. Appeals. Appeals may be made according to Section 38 provisions.

29.10 Utilities. All utilities shall meet the following standards.

- a. Utilities, other than lines used for the distribution of electricity in new service areas as defined in Section 69-4-102 MCA, shall be installed underground unless a variance is granted pursuant to Section 44 of this ordinance.
- b. Lines used for the distribution of electricity in a new service area shall be installed underground, provided however, the Zoning Commission may grant a variance to allow overhead lines for the distribution of electricity when the applicant shows that the installation of underground distribution lines would be technically or economically infeasible as defined in Section 69-4-102, MCA, and Rule 38.5.1002, ARM, of the Montana Public Service Commission.
 - 1. The procedures of sections 44.3 and 44.4 of this regulation shall apply to a variance request under this subsection.
 - 2. The criteria of sections 44.2 and 44.5 of this regulation shall not apply to a variance request under this subsection.
- c. If the Planning and Zoning Commission determines that the applicant requesting a variance to install overhead distribution lines for electricity fails to make the requisite showing to support the variance, the applicant may request that the Public Service

Commission review the matter and issue an order concerning the installation of overhead distribution lines for electricity. The order of the Public Service Commission shall be conclusive. Upon presentation of an order issued by the Public Service Commission confirming the installation of overhead distribution lines for electricity, the Planning and Zoning Commission will grant the variance.

29.11 Wildfire Protection Requirement. In order to provide for public safety, fire protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the Wildland Residential Interface area within the Gallatin Canyon/Big Sky Planning and Zoning District shall include the following fire safety measures in their covenants:

- a. All structures located in the Wildland Residential Interface shall use only Class A or B fire-rated roofing materials. Wood shakes or shingles can achieve a Class B rating by using a foil-faced or equivalent substrate or underlayment of non-combustible material and when the shakes are periodically treated with fire retardant. Follow manufacturer's treatment guidelines and re-treat as specified.
- b. Spark arrestor screens shall be placed on fireplace and wood stove chimneys.
- c. Smoke detectors shall be installed on each level of dwelling units.
- d. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be met.

29.12 Helistops. All helistops shall be subject to the following requirements:

- a. Plans for the helistop shall be submitted to the Federal Aviation Administration's Airport District Office in Helena. The FAA shall conduct an Air Space Review of the helistop. The FAA shall approve the helistop prior to construction and operation.
- b. The helistop touchdown and lift-off area shall be constructed in compliance with all current and applicable FAA standards, including, but not limited to, standards for design, construction, establishment, maintenance, airspace approval, flight path approach, and any other standards deemed necessary for public health and safety. In addition, the Commission shall have the right to impose any conditions authorized through Section 41 of the

GC/BS Zoning Regulation, provided such conditions are not in conflict with any rules and regulations of the FAA.

- c. Take-off and landing areas shall be no closer than fifty feet from any property line. Any administrative or operations building erected on a helistop site shall be located not closer than fifteen feet from any property line.
- d. Plans for the helistop shall be submitted to the local fire district officials for review and approval prior to operation.

(Amended: County Commission Resolution No. 2007-001).

29.13 Airports: All airports are subject to review, regulation and certification by state and federal authorities. Local regulations concern land use and site design issues only.

(Amended: County Commission Resolution No. 1997-81)

29.14 Artists Studio: work space used by artists or craftspeople, not to exceed 3000 square feet of floor area for the creation, preparation, display or sale of individually crafted artwork.

29.14.1 Artists studios in CC districts shall be subject to the following restrictions:

- a) Artist studios shall maintain and protect the air quality of the district by adhering to the air quality standards set forth in section 29.2 of the GC/BS zoning district regulations
- b) Artist studios shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 75 dBA between the hours of 7 a.m. and 9 p.m. No noise shall be created between the hours of 9 p.m. and 7 a.m. that is detectable by normal sensory perception at the property line.
- c) The storage of any materials and/or solid waste associated with an artist studio shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer

(Amended: County Commission Resolution No. 2004-77)

SECTION 30 SITE DEVELOPMENT STANDARDS FOR STRUCTURES IN THE RC-SF-1 THROUGH 100 DISTRICTS

30.1 Applicability: These requirements shall apply to all structures that require a land use permit in the RC-SF-1; RC-SF-2.5; RC-SF-5; RC-SF-10; RC-SF-20; RC-SF-40; and RC-SF-100 districts. The requirements in this section may be waived if:

- a. Designated building sites have been previously approved through the subdivision review, conditional use, re-zoning or other process.
- b. Upon written findings by the Planning Staff, accessory structures other than the principal structure(s) which have previously received site plan approval are consistent with an approved plan.

30.2 The purpose of the site development standards for a land use permit is to locate all structures in locations that consider the goals and objectives of the Big Sky Plan. The intent of the site planning is to:

- a. Locate compatible structures adjacent to each other.
- b. Buffer incompatible structures from each other.
- c. Protect viewsheds, wildlife habitat, open spaces, stream, corridors, topographic features, native vegetation and other environmental and aesthetic considerations.
- d. Locate structures in direct proximity to that portion of the circulation system best suited to serve it.
- e. Locate structures in a manner to minimize changes in existing topography and vegetation.
- f. Locate structures in a manner which reflects the comprehensive plan.
- g. Locate structures which maximize public safety, and minimize utility and capital improvement costs.
- h. Organize density to place the largest number of people in closest proximity to their destination.
- i. Wherever possible, to promote the acquisition and preservation of open space and its management and maintenance.

30.3 Submittal Requirements: All site plan submittals shall include the following:

- a. A professionally prepared, to-scale drawing showing:
 - 1. Property lines and easements.
 - 2. Topographic information.
 - 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains, as determined by qualified professionals from the respective fields.
 - 4. Existing land uses.

5. Adjacent land uses and improvements including but not limited to driveways, utility lines and easements.
6. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
7. Land use designations.

8. General circulation system, including streets and multi-use pathways.
9. Number and types of dwelling units.
10. Number of off-street parking places.
11. General landscape plan.
12. Amount and location of open space.
13. Proposed treatment of perimeter boundary of the development.

30.4 Site Development Standards: Site plan submittals shall be reviewed and approved based on consistency with the following standards:

a. On -Site

1. All structures in the floodplain shall comply with County Floodplain Regulations.
2. Minimize changes to natural terrain.
3. Preserve healthy, mature tree stands.
4. Make open space accessible to the user.
5. Protect and enhance existing wildlife use.
6. If permitted by land owners, link site open space to area-wide system.
7. Locate utilities to reflect site aesthetics as well as utility function.
8. Separate residential uses from major noise producing source, buffer from adjacent land uses. A buffer is open space and/or materials that create a visual and/or physical separation between the uses. *Examples of buffers are:*
 - a. *open space*
 - b. *trees and shrubs*
 - c. *fences*
 - d. *earth berms*
9. Restrict development on the following sensitive lands:
 - a. *steep slopes*
 - b. *stream corridors*
 - c. *wetlands*
 - d. *areas of unique vegetation or fore station*
 - e. *viewshed areas*

b. Off-Site - A site plan shall also take into consideration, where applicable, the following off-site factors:

1. Land Use: master plan, area development trends, adjacent zoning.
2. Circulation: accessibility levels, roadway network capacity, adjacent road operations.
3. Utilities: sewer system capacity, over-sizing needs, off-site drainage, CIP relationship.

4. Community: community form, open space linkages.
5. Public facilities/services: public safety, parks and trails, schools, libraries and television, etc.

(Amended: County Commission Resolution No. 1997-81)

SECTION 31 GUIDELINES AND DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT

- 31.1 Intent. The intent of this section is to protect the scenic character of the District, since that character is important to both the personal and economic lives of the residents. The mountain landscape can be impaired by sprawl and by development that does not take the existing landscape character into account. The loss of this character means a loss of a portion of the daily life of each resident. It also reduces the reason many tourists vacation in the area.
- 31.2 General Standards. The following standards shall apply to all commercial developments (sections 19-23).
- a. Dumpster and/or garbage can storage areas and satellite receivers shall be shielded from view.
 - b. Buildings or clusters of buildings having more than one tenant or use shall provide a design plan for the entire structure or project. The design plan must establish an integrated design, and must require the use of similar construction methods for all buildings, and compatible colors, building materials, scale, and size. The design plan shall include and require continuity between accessory structures, fences, walls and landscape features within the project. The design plan shall show that the site has been proposed for cluster development.
 - c. Individual lots, building, roads and parking shall be designed to minimize alteration of the natural features.
 - d. There shall be an integrated design among individual uses that are located on the same lot or parcel or that are part of a building or cluster of buildings.
 - e. Design standards shall be selected to be harmonious with a rural, mountain setting.
 - f. The development shall contain at least 20 percent open space. The open space shall be designed to be usable for its intended purpose and permanently protected. On-going maintenance, management and use must be included.
 - g. The use of natural wood siding, logs, natural stone and brick is encouraged.

- h. A minimum roof pitch of 1:4 is required. Roofs shall be designed to prevent snow buildup and allow snow shedding which will avoid injury to people or property. Building design shall include weather protection which prevents water from dripping or snow from sliding onto adjacent properties or where pedestrians gather and circulate.

- i. Muted and subdued colors should be chosen that harmonize with the natural environment. Bold colors, if chosen, should be used as accents. Highly reflective surfaces that create bright glares are prohibited.
 - j. Strip commercial development shall be prohibited.
 - k. Pedestrian access shall be provided between individual uses and existing paths and from parking areas to individual uses and existing paths.
 - l. The site's significant natural features, such as hillsides, mature trees, wildlife habitat, stream beds, rock outcroppings, significant views and landscaping shall be preserved.
 - m. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings and to lessen road area.
- 31.3 Review Process for Commercial Development. The review of commercial developments shall be administered by the Planning Staff. Upon submittal of a complete application for a commercial development, the Planning Staff shall review the application for compliance with the requirements of this section and other applicable sections of this regulation. Reviews shall be completed within 45 days of receipt of a complete submittal. Appeals of staff decisions shall be considered in accordance with the procedures outlined in the Administration Section of this regulation.
- 31.4 Submittal Requirements. All commercial development applications shall include the following:
- a. Completed and signed application form.
 - b. All applicable fees.
 - c. A traffic study, if the proposed development will generate 500 or more vehicular trips per day.
 - d. A site plan showing:
 - 1. Property lines and easements, with dimensions and area.
 - 2. Topographic information.
 - 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.
 - 4. Existing land uses.
 - 5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
 - 6. Land use designations.
 - 7. General circulation system, including roads and multi-use pathways.

8. Number, type and size of buildings.
9. Number of off-street parking places.
10. General landscape plan.
11. Amount and location of open space.

12. Amount, location, purpose and use of common space.
13. Proposed treatment of perimeter boundary of the development.

31.5 The following additional standards shall apply to the Meadow Center District (Section 21):

- a. The Meadow Center district shall be pedestrian oriented and provide a mix of retail, business, residential and community uses.
- b. The design of the Meadow Center shall:
 1. Provide for the safe and comfortable movement of pedestrians;
 2. Emphasize places of congregation, crossroads and nodal points by the use of building location, outdoor furniture, public art and vegetation;
 3. Include highly defined corridors framed by buildings and vegetation;
 4. Establish the traditional storefront/sidewalk relationship, with buildings built right up to sidewalks to facilitate the opportunities for browsing, social interaction and people watching. Buildings shall be accessed primarily from sidewalks.
 5. Create strong visual points and counterpoints through the dense arrangement of buildings and vegetation.
 6. Provide adequate access for service delivery and emergency vehicles.

31.6 Review of Design Plan. For any lot on which the applicant proposes to erect one or more buildings, the applicant shall submit the information designated in Section 31.5 in accordance with the following:

- a. If the property to be developed is subject to rezoning or conditional use permit, submit the required information as set forth in Section 31.5 as part of the zoning or conditional use permit application; or
- b. If the property to be developed is not subject to rezoning or conditional use permit requirements, submit the required information to the Zoning Enforcement Agent.

31.7 Required Information.

- a. Site plan at a scale of 1":20' or greater indicating the location of all existing and proposed structures, site access, parking, pedestrian and vehicular circulation and site improvements.
- b. Location of existing structures on adjacent property.

- c. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.

- d. Cross section(s) of the property and proposed building(s) adequately establishing the natural grade, finished grade, slope of land, slope of proposed access and grades to roads.
 - e. All exterior elevations.
 - f. Type and color of exterior materials and roofing.
 - g. Design guidelines and renderings showing design themes, construction methods, colors, building materials, scale and size.
 - h. Indication of direction of snow slide from roof.
 - i. Drip line of all buildings.
 - j. Location and type of exterior lighting.
 - k. Location of dumpster and/or garbage can storage areas and satellite receivers, including dimensions and screening materials.
- 31.8 Consent. The design plan shall be signed by all owners or their authorized agents in such form as the Zoning Enforcement Agent shall require.
- 31.9 Procedures. The design plan shall be included in any development plan, site plan, planned unit development plan, variance application, conditional use permit application, land use permit application, or any other official plan required by this regulation for the proposed development and shall be processed simultaneously with such other plan.
- 31.10 Amendment. An approved design plan may be amended by either the Planning and Zoning Commission or Zoning Enforcement Agent, whichever had granted the original approval. Approval shall be provided only if the amendment conforms with all requirements of the regulation in effect at the time the application for amendment is verified as complete by the Zoning Enforcement Agent.
- 31.11 Binding Effect. After approval of a design plan, no building shall be erected, altered, moved, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this regulation. In case of any conflict between the provisions of a design plan and any other provision of this regulation, the regulation shall control.

(Amended: County Commission Resolution No. 1997-81)

SECTION 31.B GUIDELINES AND DESIGN STANDARDS FOR TOWN CENTER COMMERCIAL DISTRICT

31.B.1 Intent: The intent of this section is to establish minimum guidelines and standards to ensure high quality design, overall coherence, and a character appropriate to the commercial buildings and other structures in the Big Sky Town Center Commercial District.

31.B.2 Relationship to Section 31., Guidelines and Design Standards for Commercial Development. This Section, Section 31.B, supercedes and replaces Section 31 in its entirety as concerns the Town Center Commercial District.

31.B.3 Building Types: Specific standards shall govern the design of the following Building Types. The location of building types within the Town Center Commercial District will be determined at the time of a land use permit application.

- a. General Commercial
- b. Public/Quasi-Public
- c. Lodging

31.B.4. Building Height: The Gallatin Canyon/Big Sky Zoning Regulation building height requirements outlined in Table 21.B.1 shall apply to all commercial buildings.

- (i) For that portion of a building with parapet walls or mansard roofs, and a flat roof system*: The building height shall be calculated by measuring the vertical distance from the highest point of the parapet wall or mansard roof to the average elevation of the four most varied finished grades adjacent to the structure, including the highest and the lowest. Non-occupiable elements such as elevator extensions, staircase enclosures, roof access hatches, chimneys, cupolas, roof-mounted mechanical or electrical equipment, or other architectural elements or screens may extend up to six (6) feet above the maximum building height for all buildings in the Commercial District, and shall be setback at least six (6) feet from the street side roof edge.

* - Flat Roof System: Shall be defined as a roof having a slope from 0:12 to 1:12.

31.B.5 General Standards: The following standards shall apply to all developments in the Big Sky Town Center Commercial District:

- a. Building character, form, and scale should be appropriate to the mountain west setting embodied in the greater Big Sky area.

- b. All pedestrian entries shall provide weather protection (roof, canopy, arcade, etc), and shall be clearly delineated, readily visible and easily accessible.
- c. If required by applicable Building Codes, buildings of greater than one story shall provide elevator access to the upper floor(s).
- d. Adequate access for service delivery and emergency vehicles shall be provided.
- e. Dumpster and/or garbage can storage areas shall be enclosed and shielded from view.
- f. Roof-mounted mechanical and/or electrical equipment shall be shielded from view.
- g. Satellite receivers shall be screened from view per Section 29.8.d.
- h. Building and roof design should include weather protection which prevents water from dripping or snow from sliding onto pedestrian areas and adjacent properties.
- i. Exterior building colors throughout the Town Center shall emphasize earth tones fitting with the natural, surrounding environment. Trim and other accentuating details may be finished in brighter or contrasting color schemes to add compatible interest.
- j. Provide for safe and comfortable movement of pedestrians.
- k. Emphasize places of congregation, crossroads, and nodal points by the use of building location, outdoor site furnishings, public art, and/or landscaping.

31 .B.6 General Standards: Specific Building Types: The following standards shall apply to the development of specific building types in the Town Center Commercial District:

a. General Commercial

- Building facades shall contain the basic architectural features and unique character of a turn-of-the-century small town, with central public spaces and a main street.
- Wherever possible, building facades shall form a continuous frontage along block faces and establish a traditional storefront/sidewalk relationship.
- Buildings extending along block-fronts shall provide at least one entry at the parking lot elevation. This entry shall be clearly delineated, readily visible and easily accessible and may open into a pedestrian arcade linking the parking lot behind to the street in front.
- Specialty commercial (i.e. grocery, movie theater, etc.) and recreational uses (i.e. tennis, handball, basketball, etc.) should: contain defining architectural features or elements that serve to identify the type of use; be appropriate to the setting of the Big Sky area; provide sufficient wall and roof articulation to avoid

the domination of large, blank exterior forms.

b. Public/Quasi-Public: Uses such as the following shall be considered Public or Quasi-Public uses: Theater (such as a performing arts theater), civic uses (such as a library, community offices or meeting rooms, city hall, post office, teen activity center, transit building, emergency services), medical facility (including essential community medical and accessory services, {i.e. pharmacy, rehabilitation facilities, etc}, but does not include private practice offices or private medical facilities).

- Building facades and roofs should contain the basic architectural features and other architectural elements that serve to define the unique character of historic civic architecture.
- Buildings should generally be a combination of one and two stories in height and should incorporate elements that symbolize the public nature of the building (i.e. flags, monuments, plaques, clock towers, etc.)

c. Lodging

- Building facades and roofs should contain the basic architectural scale, features and elements that define the building or building complex as visitor-serving lodging appropriate to the setting of the Big Sky area.
- Building facades should provide sufficient articulation to avoid the domination of large exterior walls.
- Entries should include covered areas for vehicular drop-off and pick-up of pedestrians.
- Attention should be given to guest use of exterior spaces, such as courtyards, forecourts, landscaped areas and water features such as casting ponds.

31 .B.7 Submittal Requirements. All applications for Town Center Commercial developments shall include the following:

- a. Completed and signed County Land Use Permit application form.
- b. All applicable fees.
- c. A traffic study, if the proposed development will generate 500 or more vehicle trips per day.
- d. Town Center Owners' Association Design and Land Use Permit.
- e. A Site Plan showing:
 1. Property lines and easements, with dimensions and areas.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains.

4. Existing land uses.
5. Location and dimensions of existing and proposed structures, utilities, trails and improvements.
6. Land use designations.
7. Amount and location of open space.
8. Amount, location, purpose and use of common space.
9. Proposed treatment of perimeter boundary of the development.

31.B.8 Review Process: Review of Town Center Commercial developments shall be administered by the Planning Staff. Upon submittal of a complete Application for a commercial development, the Planning Staff shall review the Application for compliance with the requirements of this section and other applicable sections of the Zoning Regulation. Reviews shall be completed within 45 days of receipt of a complete submittal.

31.B.9 Consent: The Application shall be signed by all owners or their authorized agents.

31.B.10 Procedures. The Application shall be included in any application for a Planned Unit Development, Variance, Conditional Use Permit, Land Use Permit, or any other application required by the Zoning Regulation for the proposed development.

The Planning Staff shall render a final decision on the Application. Unless appealed, Staff's decision on the Application is binding upon, and not subject to further review by, the Planning and Zoning Commission. No interlocutory appeal of Staff's decision is permitted pending the issuance of Staff report containing recommendations on the Application.

If Staff's decision on the Application is appealed, the appeal, together with Staff's recommendations on the Application, shall be heard at the same time, and the Planning and Zoning Commission shall make a final decision on the Application. Otherwise, a hearing shall be conducted on, and the Planning and Zoning Commission shall make a final decision regarding, the Application and include therein the Staff's decision on the Application. Appeals of the final decision of the Planning and Zoning Commission may be taken to the district court within thirty (30) days after such decision as provided by M.C.A. Section 76-2-110.

31.B.11 Amendment: The applicant may amend an approved Application subject

to approval of the amendment by the Planning Staff. Approval shall be provided only if the amendment conforms with all requirements of the regulation in effect at the time the application for amendment is verified as complete by the Planning Staff.

- 31.B.12 Binding Effect: After approval of the Application, no building shall be erected, altered, moved, reconstructed, or painted, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this regulation. In case of any conflict between provisions of an Application and any other provision of this regulation, the regulation shall control.

(Amended: County Commission Resolution No. 2000-18 on April 11, 2000.)

(Amended: County Commission Resolution No. 2004-145 on November 9, 2004)

(Amended: County Commission Resolution No. 2006-084 on August 29, 2006)

This page left blank intentionally.

SECTION 32 ENTRY CORRIDOR AND VIEW PROTECTION

32.1 Intent. The intent of this overlay district is to enhance the visual quality and identity of the GC/BS Planning and Zoning District by providing guidelines for development along designated entry corridors and protecting key views from encroachment by development.

32.2 Applicability of Entry Corridor Guidelines. The provisions of this section shall apply to requests for land use permits on the following parcels of land:

- a. Any parcel of land located adjacent to or within 200 feet of Montana 64 (Lone Mountain Spur Road) between the intersection of US 191 and the Gallatin County/Madison County line.
- b. Any parcel of land located adjacent to or within 200 feet of US Highway 191 between the south boundary line of the Zoning District and a point 2,000 feet north of the intersection of US 191 and Montana 64 (Lone Mountain Spur Road).
- c. Exceptions. For property with frontage on both US 191 and Montana 64, the setback standards on Montana 64 shall be reduced by 75 percent.
- d. No entry corridor setbacks shall be applied which are larger than 50 percent of the parcel depth or width, of a residentially zoned parcel existing as of July 30, 1996. The Zoning Enforcement Agent shall review a land use permit application for such a property and may issue the permit when he or she finds that the maximum feasible entry corridor view mitigation has been provided by appropriate landscaping; and the resultant land use permit is consistent with the GC/BS Plan.

(Amended: County Commissioners Resolution No. 1996-61)

32.3 Review Process for Land Use Permits Along Entry Corridors. The following material shall be submitted in conjunction with a land use permit application on land located in an entry corridor:

- a. Survey of the subject parcel prepared by a registered land surveyor. The survey shall indicate property boundaries and the right-of-way line of adjacent entry corridor roadways.
- b. Site plan at a scale of 1":20' or greater indicating the locations of all proposed structures, site access, parking, pedestrian and vehicular circulation and site improvements.
- c. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.

- d. Proposed project lighting plan indicating all exterior lighting.

32.4 Setback Standards for Land Use Permits Along Entry Corridors. All buildings proposed by a land use permit application shall comply with the following setback standards:

- a. All buildings shall maintain a minimum 100-foot setback from designated entry corridor roadways. The intent of the entry corridor setback requirement is to establish a uniform 100-foot-wide landscaped buffer between buildings and the entry corridor roadway. Right-of-way widths vary along designated entry corridors. In order to establish uniform setback distances, setback requirements for individual properties will vary depending upon the width of adjacent rights-of-way. Entry corridor setbacks for properties adjacent to the following four rights-of-way widths are as follows:

1. The minimum setback for buildings adjacent to 60-foot-wide rights-of-ways shall be 100 feet.
2. The minimum setback for buildings adjacent to 80-foot-wide rights-of-ways shall be 90 feet.
3. The minimum setback for buildings adjacent to 120-foot-wide rights-of-ways shall be 70 feet.
4. The minimum setback for buildings adjacent to 160-foot-wide rights-of-ways shall be 50 feet.

- b. Calculation of Other Setbacks: The following methodology shall be used to determine setback requirements for right-of-way widths other than those indicated above:

The potential road width of 60 feet (four travel lanes at 12 feet and two six-foot shoulders) shall be used for all calculations. The portion of the right-of-way to be considered as a part of the entry corridor setback area is determined by subtracting half of the potential road width (30 feet) from half of the right-of-way width. The resultant figure is then subtracted from 100 to determine the entry corridor setback requirement.

- c. Exception. For property with frontage on both U.S. 191 and Montana 64, the setback standards on Montana 64 shall be reduced by 75 percent.

32.5 Design Standards for Land Use Permits Along Entry Corridors. The following design standards shall be used by the Planning Staff to evaluate land use permit applications. It shall be the burden of the applicant to demonstrate that proposed development complies with the following standards, that one or more of the standards are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Planning Staff shall act on land use permit applications by either approving, approving with conditions or denying the application based compliance with the following standards:

- a. Proposed landscape plans shall be designed to buffer the visual impact of building and site improvements from the designated entry corridor and adjacent properties. Landscape plans may include a combination of enhancements to existing native vegetation, the development of formal landscape areas, new plant materials, and berming, but in all cases shall include the introduction of trees, shrubs and ground covers designed to highlight proposed entries, screen parking areas, buffer the visual impact of buildings and enhance the landscape quality of the entry corridor. In order to minimize irrigation requirements, the use of native ground covers and drought tolerant plant materials indigenous to the Zoning District are encouraged.
- b. The following minimum landscape materials shall be required within the entry corridor setback area for any commercial development or multi-family residential development: eight coniferous or evergreen trees, four deciduous trees and eight shrubs for every 100 lineal feet of frontage along the entry corridor. Landscape standards for parcels with less than 100 feet of frontage or any portion of a parcel's entry corridor frontage that is less than 100 feet shall be pro-rated based on the standards above. Minimum plant sizes shall be a minimum of six feet for coniferous or evergreen trees, two inch caliper for deciduous trees and five gallon for shrubs. In the event that berming, setback distance in excess of 100 feet, or other design alternatives are proposed to enhance the visual quality of the entry corridor setback area, the Planning Staff may approve land use permits with fewer landscape materials than required by the standards above.
- c. In order to minimize the visibility of parking areas from entry corridors, parking areas should be located to the rear or sides of buildings. Parking areas may be located in the front of buildings and may encroach into the required entry corridor setback area. However, parking area encroachments shall not exceed 50 percent of the required setback distance. When parking areas are proposed within the entry corridor setback area, minimum required landscape

materials described above shall increase by 10 percent for every 10 feet of encroachment into the setback area and the use of berming to screen parking areas from the entry corridor shall be required.

- d. Any surface parking lot in excess of 15 spaces shall include interior landscape islands equal to 10 percent of the parking lot area. A landscape border not less than 15 feet wide shall be provided around the perimeter of all parking areas. All parking lot landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.
- e. In order to minimize vehicular traffic congestion, the development of shared vehicular access ways between commercial development projects are encouraged.
- f. Trash facilities, loading docks and exterior storage areas shall not encroach into the required entry corridor setback area and shall be screened from view from the designated entry corridor.

32.6 Variances to Design Standards for Land Use Permits Along Entry Corridors. Variances to sections 32.4 and 32.5 shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the variance section of the GC/BS Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of his/her property.
- b. There are no practical alternatives to locating buildings within the required setback area.
- c. The proposed variance will result in greater compliance with the overall intent of Section 32 by preserving the visual quality and character of the entry corridor in a manner that would not otherwise be possible by the strict adherence to sections 32.4 and 32.5.

32.7 Applicability of View Corridor Guidelines. The provisions of this section shall apply to any application for a land use permit located on land within designated view corridors. Designated view corridors include:

- a. The Soldier's Chapel View Corridor. The purpose of the Soldier's Chapel View Corridor is to maintain a view of Soldier's Chapel with an unobstructed background view of Lone Mountain as viewed from the driveway leading up to the chapel. It is recognized that development may occur on land behind the chapel and between the chapel and Lone Mountain. The Soldier's Chapel View Corridor is intended to ensure that new development located proximate to the chapel does not project above the roof line of the chapel in a

manner that diminishes the view of the chapel and the long-range view of Lone Mountain.

Designated view corridors are indicated on photographs and are on record with the Gallatin County Planning Department.

32.8 Standards for Land Use Permit Applications Within View Corridors. The following material shall be submitted in conjunction with a land use permit application on land located within a designated view corridor:

- a. Site plan at a scale of 1":20' or greater indicating the location of all proposed structures, site access, grading and other site improvements.
- b. Building elevations indicating the heights of proposed roof ridges.
- c. Models, photo overlays, sketches or other material deemed necessary by the staff to determine whether proposed development will encroach into the designated view corridor.

32.9 Design Standards for Land Use Permits Within View Corridors. All development and site modifications proposed by the land use permit application shall comply with the following design standards:

- a. Soldier's Chapel View Corridor. No part of any structure located within 1,000 horizontal feet of Soldier's Chapel shall encroach above the Soldier's Chapel View Corridor line as indicated on the official view corridor photograph on record with the Gallatin County Planning Department.

32.10 Variances to Design Standards for Land Use Permits Within View Corridors. Variances to Section 32.9, Design Standards for Land Use Permits Within View Corridors shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the Variance Section of the Gallatin Canyon/Big Sky Zoning Regulation.

- a. Submittal material for proposed encroachments into a designated view corridor shall include the following:
 1. Written summary of the proposed encroachment.
 2. Overlays of the proposed development drawn on the photograph of the existing view corridor indicating the extent of the proposed encroachment.
- b. No building encroachment into a designated view corridor shall be permitted unless the applicant demonstrates that the encroachment meets all of the following criteria:

1. The literal enforcement of Section 32.9 Design Standards for Land Use Permits Within View Corridors would preclude the reasonable development of the affected land.

2. The proposed encroachment is no more than necessary to allow for the reasonable development of the affected land.
3. The proposed encroachment would not diminish the value nor compromise the original purpose of the preserved view.

32.11 Criteria for Establishing View Corridors. Proposals to establish new view corridors may be initiated by the Gallatin County Board of County Commissioners, the Planning and Zoning Commission, the Gallatin County Planning Staff or any resident of the GC/BS Zoning District. Such applications shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the GC/BS Regulation for amending this regulation.

- a. Submittal material required for the review of proposed new view corridors shall include the following:
 1. A written summary of the proposed view corridor and a photograph of the proposed view corridor and a reference point from which the photograph was taken.
 2. The names and addresses of property owners whose development potential may be affected by the proposed view corridor.
- b. No new view corridor shall be established until it is demonstrated by clear and convincing evidence that the proposed view corridor meets all of the following criteria:
 1. The proposed view corridor will preserve a view from a public pedestrian area, public way, or public space within the Zoning District which perpetuates the mountain heritage and character of the GC/BS area.
 2. The proposed view corridor protects or enhances the GC/BS area's attraction to residents, guests and property owners.
 3. The proposed view corridor protects a view which is commonly recognized and has inherent qualities which make it valuable and distinguish it from other more common views.

SECTION 33 HILLSIDE AND RIDGELINE DEVELOPMENT

- 33.1 Intent. The intent of this overlay district is to preserve the natural character, visual quality and aesthetic value of ridgelines and hillsides and to protect the residents and guests of GC/BS from the potential hazards of unregulated development on hillsides.
- 33.2 Applicability of Hillside and Ridgeline Guidelines. The provisions of this section shall apply to any application for a land use permit or subdivision on land that meets either of the following two conditions: (1) Any portion of the land includes slopes in excess of 15 percent; (2) Land that is located on or within 100 vertical feet of the elevation of any prominent ridgeline. Lands that meet either of these two provisions are herein referred to as hillside land or ridgeline land, respectively.
- 33.3 Prominent Ridgeline Defined. A prominent ridgeline shall be defined as any ridgeline, as viewed from any point along a designated major roadway corridor, which creates a silhouette with the sky. Currently designated major roadway corridors are U.S. Highway 191, Montana Highway 64 (Lone Mountain Trail) and Beaver Creek Road. Since significant portions of the GC/BS Zoning District are presently undeveloped, it is not possible to designate all major roadway corridors at this time. Other potential major roadway corridors from which to identify prominent ridgelines, whether existing or proposed at the time a subdivision or land use permit application is submitted, may be designated by the planning staff during the development review process. These new major roadway corridors shall then establish view points from which to identify prominent ridgelines.
- 33.4 Determination of Prominent Ridgeline. The determination of prominent ridgelines and any major roadway corridor in addition to currently designated major roadways shall be made by the Planning Staff. The presence of a prominent ridgeline or the designation of additional major roadways may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to request such determinations prior to submitting subdivision pre-application plans or land use permit applications.
- a. A request for a staff determination of prominent ridgelines or additional major roadway corridors shall be made by the applicant and shall be accompanied by a survey, U.S.G.S. Topographic Map or other graphic information as necessary to indicate the general location of the proposed development. The Planning Staff shall make their determination based on material submitted by the applicant and a site visit to the proposed development site. In the event that prominent ridgelines or additional major roadway corridors are identified by the staff, such ridgelines or roadway

corridors shall be indicated on the graphic material submitted by the applicant. Appeals of any staff decisions may be made in accordance with procedures outlined in the GC/BS Zoning Regulation.

- 33.5 Slope Defined. Slope shall mean the inclination of land determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage. The presence of slopes in excess of 15 percent shall be determined based on a slope analysis of the subject parcel completed by the applicant. The presence of slopes in excess of 15 percent may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to complete a slope analysis of the subject parcel prior to submitting subdivision sketch plan applications or land use permit applications.
- 33.6 Setbacks on Hillside Property: The required setbacks for existing parcels as of July 30, 1996 within any given district may be waived if it is determined by the Zoning Enforcement Agent that no suitable building site is available due to the presence of slopes in excess of 15 percent. Any request for waive of a required setback must be accompanied by proof of slopes in excess of 15 percent and justification provided by the applicant that all reasonable efforts have been made to design a structure which complies with setback requirements. *(Amended: County Commission Resolution No. 1997-81)*
- 33.7 Application for Land Use Permits on Hillside and Ridgeline Land. The following review process, design standards, review criteria and variance provisions shall apply for all land use permit applications for hillside or ridgeline land.
- a. Review Process for Land Use Permits on Hillside and Ridgeline Land. The review of land use permit applications will be administered by the Gallatin County Planning Staff in accordance with the Land Use Permits section of the GC/BS Zoning Regulation. Upon submittal of a land use permit application on hillside or ridgeline land, the Planning Staff shall review the application for compliance with design standards and review criteria outlined in this section. Appeals of staff decisions shall be considered in accordance with the procedures outlined in the Administration section of the GC/BS Zoning Regulation.
 - b. The following material shall be submitted in conjunction with a land use permit application on a hillside or ridgeline land:
 - 1. Topographic survey of the subject lot prepared by a registered land surveyor. The topographic survey shall be drawn at a scale of 1":20' or greater and the contours shall be indicated at two-foot intervals. The survey shall also indicate easements, existing drainages, mature stands of trees with eight inch or greater caliper and approved building envelope (if applicable).

2. Slope analysis indicating the percent slope of the portion of the lot on which all development and site improvements are located.

3. Soils analysis indicating the physical properties of soil types and any limitation ratings, and any special design or construction methods proposed to mitigate soil suitability conditions.
 4. Site plan at a scale of 1":20' or greater indicating the location of all proposed structures, site access, retaining walls and other site improvements.
 5. Building elevations indicating exterior wall materials and colors, roof material and color, heights of roof ridges, and existing grades, and proposed finished grades around all structures.
 6. Construction/site disturbance plan indicating proposed limits of construction, methods for protecting existing vegetation and locations for storage of construction material and equipment, trailers, dumpsters and sanitary facilities.
 7. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, walkways, fences, etc.
 8. Grading and drainage plan drawn at the same scale as the site plan indicating all proposed regrading, cross-sections of all proposed cuts and fills, heights of all proposed retaining walls, and proposed site drainage.
 9. Erosion control plan indicating all proposed measures to control surface water run-off, retain eroded soil material during construction and permanently stabilize disturbed slopes and drainage features upon completion of construction.
 10. Photo overlays or other visual tools to demonstrate the visual impact of the proposed development.
- c. The extent of the areas indicated on the topographic survey, slope analysis, landscape plan, grading and drainage plan, erosion control plan and construction plan may be limited to only those portions of the site where development and site improvements are proposed. At a minimum, such plans shall include portions of the site within 100 feet of all proposed development and site

improvements and any other portion of the site as may be necessary to evaluate the land use permit.

- d. If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

33.8 Design Standards for Land Use on Hillside Land. All development and site modifications proposed on the land use permit application on hillside land shall comply with each of the following design standards:

- a. No buildings shall be located on portions of a lot in excess of 25 percent slope.
- b. Building height shall not exceed 33 feet on buildings with a sloping roof and 30 feet for buildings with a flat roof, as measured vertically from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between the eaves and ridge for gable, hip and gambrel roofs. (*Amended: County Commission Resolution No. 1996-62.*)
- c. All buildings shall be located within an approved building envelope (if applicable).



Fig. 1- *Building height regulations encourage buildings to follow the natural slope of a lot.*

33.9 Review Criteria for Land Use Permits on Hillside Land. The following design criteria shall be used by the Planning Staff to evaluate land use permit applications on hillside land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Planning Staff shall act on applications by either approving, approving with conditions or denying the application based on compliance with the following criteria:

- a. Buildings, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills, and retaining walls.
- b. Buildings shall be designed to bench into hillsides and building level changes shall be accomplished by stepping the building with the natural contours of the site.
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of buildings, site improvements and driveways in order to minimize their visibility

from roadways within the District and to integrate improvements with the natural characteristics of the site.

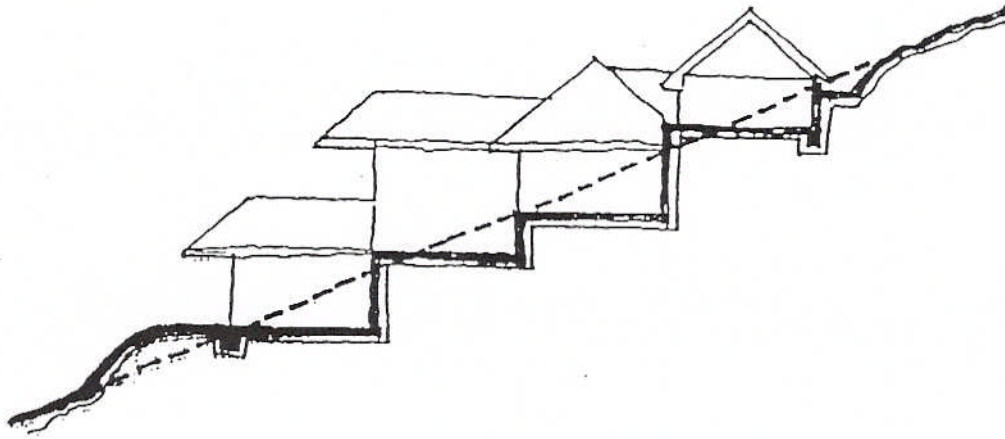


Fig. 2 - Building should be “benched” into the hillside.

- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Overlot grading of a site to create a flat building site is not permitted.

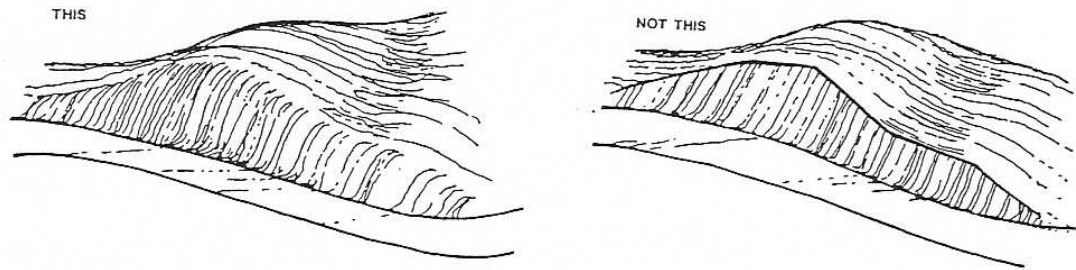


Fig. 3- Grading should feather back to existing grades.

- e. If warranted by site conditions, the use of retaining walls is encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six feet in height. Retaining cuts in excess of six feet shall be accomplished by two or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two feet in order to allow for the introduction of landscape materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations. Generally, driveways should not exceed 10 percent slope and 14 feet in width. In order to facilitate revegetation, cut and fill slopes should be regraded to no more than a 2:1 slope. Regraded slopes in excess of 2:1 slope may be approved if steeper slopes will minimize site disturbance and preserve existing vegetation. Soils and slope stability analyses shall be required for all driveways located on slopes in excess of 25 percent and such driveways shall be designed by a licensed engineer.

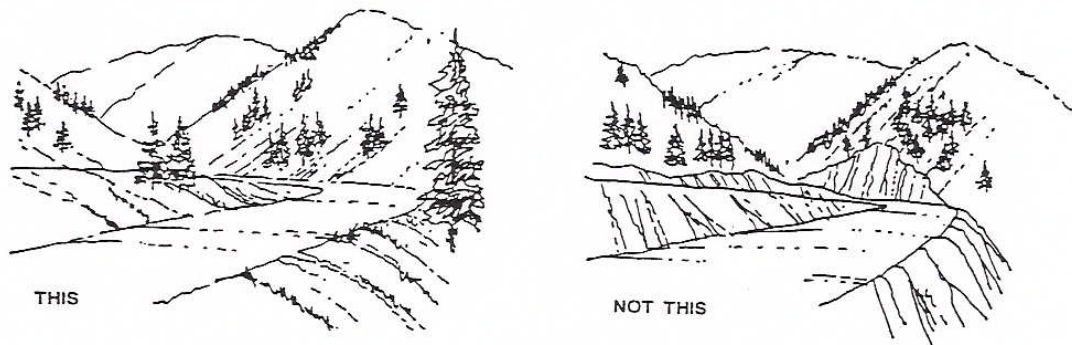


Fig. 4 - *Driveway design should minimize the need for cuts and fills.*

- g. The color of exterior walls, roofs and retaining walls shall be limited to muted earthtones. Such colors should be selected to blend buildings and improvements with the terrain and vegetation of the surrounding landscape. All roofs shall be constructed of non-reflective materials.
- h. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties, rights-of-way and roadways. Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Uplighting of trees or structures is not permitted.
- i. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- j. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

33.10 Design Standards for Land Use Permits on Ridgeline Land. All development and site modifications proposed by the land use permit

application on ridgeline land shall comply with each of the following design standards:

- a. No part of any structure or site improvement shall break the silhouette created by the prominent ridgeline and the sky. For the purposes of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the prominent ridgeline.



Fig 5. - *Buildings shall be located below prominent ridgelines.*

- b. Building height shall not exceed 33 feet on buildings with a sloping roof and 30 feet for buildings with a flat roof as measured vertically from average elevation of the existing grade or finished grade (whichever is the more restrictive), at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs (refer to Figure 1).
- c. All buildings shall be located within an approved building envelope (if applicable).

33.11 Review Criteria for Land Use Permits on Ridgeline Land. The following design criteria shall be used by the Planning Staff to evaluate applications on ridgeline land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The planning staff shall act on applications by either approving, approving with conditions or denying the application based on compliance with the following criteria:

- a. Buildings, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills and retaining walls.

- b. Buildings shall be designed to bench into hillsides and building level changes shall be accomplished by stepping the building with the natural contours of the site (refer to Figure 2).
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of buildings, site improvements and driveways in order to minimize their visibility from roadways within the District and to integrate improvements with the natural characteristics of the site.
- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Overlot grading of a site to create a flat building site is not permitted (refer to Figure 3).
- e. If warranted by site conditions, the use of retaining walls are encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six feet in height. Retaining cuts in excess of six feet shall be accomplished by two or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two feet in order to allow for the introduction of landscape materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations. Generally, driveways should not exceed 10 percent slope and 14 feet in width. In order to facilitate revegetation, cut and fill slopes should be regraded to no more than a 2:1 slope. Regraded slopes in excess of 2:1 slope may be approved if steeper slopes will minimize site disturbance and preserve existing vegetation. Soils and slope stability analyses shall be required for all driveways located on slopes in excess of 25 percent and such driveways shall be designed by a licensed engineer (refer to Figure 4).
- g. The color of exterior walls, roofs and retaining walls shall be limited to muted earthtones. Such colors should be selected to blend buildings and improvements with the terrain and vegetation of the surrounding landscape. All roofs shall be constructed of non-reflective materials.
- h. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties, rights-of-way and roadways.

Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Uplighting of trees or structures is not permitted.

- i. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- j. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

33.12 Variances for Land Use Permits on Hillside Land. Variances to Section 33.7 Design Standards for Land Use Permits on Hillside Land shall be considered by the Commission in accordance with the procedures outlined in the Variance Section of the Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of its property;
- b. There are no practical alternatives to locating buildings on portions of the site that exceed 25-percent slope. Prior to approving a variance to build on portions of a site in excess of 25 percent, the applicant shall demonstrate that soil and or geologic conditions of the site are such that the proposed development does not pose a danger to the public health and safety, or that any potential hazard can be reduced to a reasonable level with corrective engineering or other mitigating measures. All building foundations, retaining walls, roads and utilities shall be designed by a licensed engineer in accordance with the recommendations of soil and/or geotechnical studies.
- c. The proposed variance will result in greater compliance with the overall intent of Section 33.1 by preserving the natural character, visual quality and aesthetic value of hillsides in a manner that would not otherwise be possible by the strict adherence to Section 33.7 Design Standards for Land Use Permits on Hillside Land.
- d. Additions or remodels of existing structures on hillside land shall be exempt from the provisions of Section 33 provided the square footage of such addition does not exceed 50 percent of the square footage of the existing structure.

33.13 Variances for Land Use Permits on Ridgeline Land. Variances to Section 33.9 Design Standards for Land Use Permits on Ridgeline Land shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the Variance Section of the Gallatin Canyon/Big Sky Zoning Regulation. Prior to approving a variance request, the Planning and Zoning Commission shall make one or more of the following findings:

- a. Compliance with one or more of the design standards would deprive an owner of the reasonable use of his/her property.
- b. There are no practical alternatives to building on a prominent ridgeline. In the event that a building is approved on top of a prominent ridgeline, such building shall not exceed 24 feet in height.
- c. The proposed variance will result in greater compliance with the overall intent of Section 33.1 by preserving the natural character, visual quality and aesthetic value of ridgelines in a manner that would not otherwise be possible by the strict adherence to Section 33.9, Design Standards.
- d. Additions or remodels of existing structures on hillside or ridgeline lots shall be exempt from the provisions of Section 33.10, Land Use Permits on Ridgeline Land, provided the square footage of such addition does not exceed 50 percent of the square footage of the existing structure.

33.14 Proposed Subdivision of Hillside and Ridgeline Land. The design standards, review criteria and variance and exemption provisions of this section shall apply to all minor and major subdivision applications on hillside or ridgeline land.

- a. Applicability of Zoning Requirements to Subdivision Process. Design standards and review criteria outlined in this section shall be used by the County Commission in conjunction with applicable subdivision review criteria to evaluate the proposed subdivision of hillside or ridgeline land. In the event of any conflicts between these design standards and subdivision review criteria, the most restrictive provision shall apply.

Submittal material shall include all material required by the subdivision regulations for minor or major subdivisions and photo overlays, visual simulations, field staking or other visual techniques to demonstrate the location and visual impact of proposed development sites.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

- 33.15 Design Standards for the Subdivision of Hillside and Ridgeline Land.
Subdivision applications on hillside land shall comply with each of the following design standards:

- a. Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings and garages. Decks, patios, terraces, retaining walls, fences, recreational facilities and site access may be located outside of the building envelope.
- b. No portion of a building envelope shall exceed 25-percent slope.
- c. Any portion of a site in excess of 40-percent slope shall not be considered in the calculation of allowable density on land zoned or proposed to be zoned for densities greater than one unit per 20 acres.
- d. Building envelopes on ridgelines shall be sited such that the future development of the building envelope can be accomplished without breaking the natural silhouette created by the prominent ridgeline and the sky. For the purposes of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the prominent ridgeline.

33.16 Review Criteria for the Subdivision of Hillside and Ridgeline Land. The following design criteria shall be used by the Board of County Commissioners for subdivision applications on hillside land. It shall be the burden of the applicant to demonstrate that the proposed PUD and subdivision complies with each of the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved.

- a. Building envelopes shall be sited to utilize existing vegetation and natural topography of the site in order to integrate the building with the site and to minimize the visibility of the building from US Highway 191 and Montana Highway 64.
- b. Building envelopes shall be sited such that future access to the envelope can be integrated with the natural characteristics of the site in a manner that will require a minimal amount of site grading, cuts and fills, retaining walls and loss of vegetation.

33.17 Variances to 25 Percent Slope Limitation for New Building Envelopes on Hillside Land. It is the intention of these regulations that no portions of new building envelopes exceed 25 percent slope. However, if properly sited, designed and engineered, construction on slopes between 25 to 40 percent can be accomplished while mitigating potentially adverse visual and safety impacts commonly associated with development on steep slopes. The purpose of this section is to establish criteria for reviewing

proposed subdivisions that include building envelopes with slopes between 25 to 40 percent.

Review procedures and submittal requirements for variance requests to the 25 percent slope limitation for proposed building envelopes shall be as outlined in Section 44 and this section. The burden of proof shall be on the applicant to demonstrate that the proposed building envelopes are in compliance with all applicable guidelines and development standards. The following submittal material shall also be provided by the applicant:

- a. Specific design guidelines and standards proposed by the applicant that demonstrate how the proposed development of said building envelopes will comply with all applicable review criteria.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Planning Staff may modify or waive any of the submittal requirements listed above.

- b. **Design Standards.** In addition to design standards and review criteria outlined in the subdivision regulations, subdivision applications for variances to the 25-percent slope limitation for proposed building envelopes on hillside land shall comply with each of the following design standards:

1. Building envelopes shall be required for all proposed lots. The building envelope defines the portion of each lot within which all improvements must be located. Improvements shall include all buildings and garages. Decks, patios, terraces, retaining walls, fences, recreational facilities and site access may be located outside of the building envelope.
2. No portion of the proposed building envelope shall be located on slopes in excess of 40 percent and no access or site improvements shall be permitted on portions of a site that exceed 40 percent slope.
3. All building foundations, retaining walls, roads and utilities shall be designed by a licensed engineer in accordance with applicable soil and/or geotechnical studies.

- c. **Review Criteria.** The following review criteria shall be used by the Planning and Zoning Commission for evaluating proposed variances to the 25-percent slope limitation for new building envelopes:

1. Submittal material and design guidelines and standards prepared by the applicant shall clearly demonstrate that locating building envelopes on land with slopes in excess of 25 percent will lessen the visual impacts and improve the

overall environmental and aesthetic quality of the proposed subdivision in a manner that would not otherwise be possible by the strict adherence to Section 34.14, Design Standards.

2. Soils analysis and geotechnical studies shall clearly demonstrate that the development of the proposed subdivision and lots does not pose a danger to the public health and safety or that any potential hazard can be reduced to a reasonable level with corrective engineering or other mitigating measures, and that any necessary mitigating measures shall be incorporated into the development of the subdivision and the subsequent development of proposed building envelopes.
3. Building envelopes are sited to utilize existing vegetation and natural topography of the site in order to integrate the building with the site and to minimize the visibility of the building from US Highway 191 and Montana Highway 64.
4. Building envelopes are sited such that future access to the envelope can be integrated with the natural characteristics of the site in a manner that will require a minimal amount of site grading, cuts and fills, retaining walls and loss of vegetation.

This page left blank intentionally.